

REMARKS

The Advisory Action dated July 26, 2006 has been fully considered by Applicant. Applicant sincerely appreciates Examiner Shepard's excellent suggestions.

Claim 12 is currently amended. Claims 1-4, 6-7, 9-11 have been previously presented. Claims 5 and 8 have been previously canceled.

Claim 12 has been currently amended to include Examiner Shepard's suggestion to include "each program in the following time period" to further clarify that the data to generate clips or trailers for each program is downloaded and held in the storage means.

The Examiner's comments regarding Applicant's last amendment have been considered and, accordingly, claims 1 and 12 have been amended to convey that the clip is downloaded and stored prior to selection.

Claim 12 is rejected under 35 USC 112, first paragraph, as based on a disclosure which is not enabling. The Examiner states that, "On line 9, the limitation of "each program" is critical or essential to the practice of the invention, but not included in the claims is not enabled by the disclosure. This limitation is critical as it differentiates between the invention storing a limited versus the entire collection of video clips". Application respectfully points Examiner Shepard to Page 4, lines 13-24, of the specification wherein Applicant states that:

"In this embodiment, the video and/or audio data which will be used to generate the clips or trailers in accordance with the invention, can be downloaded at designated time intervals, say once per day, and preferably when the broadcast data receiver is not likely to be in use, such as during the night. In this way, sufficient video and audio data to generate clips or trailers for each, or a selected number of, programs in the following time period, prior to the next downloading of the data, can be held in storage means." (emphasis added)

Applicant believes that it is clearly stated in the above-identified paragraph that the data to generate clips or trailers for each program is downloaded and held in the storage means. Further, it is clearly indicated in this same paragraph that the data generated and downloaded is for more than one clip and/or more than one trailer. Therefore, Applicant sincerely believes that the specification supports the provision that each program in the electronic program guide is downloaded and held in storage in the hard disk memory in Applicant's broadcast data receiver as disclosed herein. Applicant, therefore, respectfully requests reconsideration of the rejection.

Claims 1, 2, 3, 4, 5, 8 and 10 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,526,577 to Knudson et al in view of United States Patent No. 6,934,963 to Reynolds et al.

Claim 1 has been currently amended. Claims 2-4, 6-7, and 9-11 depend from claim 1. Applicant believes currently amended claim 1 is patentable over the cited references and respectfully requests reconsideration of the rejection.

Claim 1 has been amended to include as a part thereof a television system including a broadcast data receiving for receiving data which is broadcast from a remote location. The data received and processed by the receiver includes video, audio and auxiliary data from which an electronic program guide is generated on a screen to provide information and facilitate user selection of programs for viewing. The broadcast data receiver includes a storage means in the form of a hard disc memory in which the video and/or audio data may be downloaded and held in storage. The downloaded and stored data may then be subsequently retrieved and displayed upon selection by a user of a program from the electronic program guide. A plurality of portions of video and/or audio data are stored on the hard disk. The stored portions of data have identification data such that upon

a user selection to receive information on a program using the electronic program guide, the broadcast data receiver identifies the identification data for the user selected program, searches the hard disk memory for stored video and/or audio data with matching identification data, and if found, processes the same for display.

Clearly the cited art does not teach or suggest an audio/video clip download system that downloads the clips and/or trailers in advance and stores them for subsequent retrieval via a user by the electronic program guide, as in Applicant's currently amended claim 1.

The cited references do not teach or suggest Applicant's currently amended claim 1 wherein the plurality of portions of video and audio data are stored in the hard disk memory of the broadcast data receiver and have identification data such that upon user selection to retrieve the program via the electronic program guide the broadcast data receiver identifies the identification data for the selected program and searches the hard disk for stored video and/or audio data with matching identification data. If a match is found, then the broadcast data receiver processes the data and displays it on the display screen.

Applicant's invention is directed toward a system wherein the downloading of video clips is onto a hard disk memory within the broadcast data receiver, which video clips can be subsequently displayed by selecting a corresponding program from an electronic program guide. According to Knudson et al, the video clip information would be stored in a video clip library within a main facility or at a program guide distribution facility. Therefore, the broadcaster in the '577 Knudson et al patent would directly stream the video clip data to be displayed to a user on screen, without storing the data for the video clip in advance. The suggestion of lines 64-66 of column 14 within Knudson et al that the video clip may be temporarily stored in a memory within the user's equipment

is merely a reference to the temporary storage to allow the video clip to be displayed on screen. Therefore, this is not equivalent to the data being downloaded and held in storage in advance on the user's broadcast data receiver for subsequent selection and retrieval by the user via the electronic program guide, as in Applicant's invention. Knudson et al does separately disclose that the video clip may be stored but only for the purpose of sending the video clips using TV mail to another user. Therefore, Applicant believes that currently amended claim 1 is novel over the '577 Knudson et al patent.

Examiner Shepherd states that:

"Knudson does not disclose system with a memory means in which video and/or audio data may be stored for subsequent retrieval and display upon the selection of a program from the electronic program guide and to which a portion of the stored video and/or audio data relates. At the time of the invention it would have been obvious for one of ordinary skill in the art to store the preview video on the set top box. The motivation would have been to add the ability to send the preview clips to other subscribers, as a way to suggesting programs to them (column 14, lines 58-61)."

Applicant respectfully disagrees that it would be obvious to combine the storage of a single video clip for sending via TV mail with the downloading of a plurality of portions of video and/or audio data which would be held in storage for subsequent retrieval and display upon a user selection of a program from an electronic program guide. This is evident when one considers the amount of data needed to download and store sufficient video and/or audio data to generate clips or trailers for each, or a selected number of, programs from the program guide upon user demand, as is required in Applicant's invention. Downloading a single video clip for sending via TV mail would take a number of seconds and such a delay would generally be considered acceptable by a user. However, when one considers that there are hundreds of programs referenced within an electronic program guide, it is clear that the downloading of all the associated video and/or audio clips, as is performed

in Applicant's invention, would take minutes if not hours to complete. There is no mention of the problem of downloading such vast amounts of data in Knudson.

The Reynolds '963 patent is directed toward use of a memory means for storing program guide application instructions and data for use by a control circuit. It does not teach downloading and storing the audio and/or video data needed to generate clips and/or trailers on a user's broadcast data receiver for subsequent user selection via a program guide to view the downloaded and stored trailer or clip. Therefore, it is not understood how a person skilled in the art would use Knudson's or the Reynolds patents to solve the problem of downloading and storing all of the associated video and/or audio clips from an electronic program guide for subsequent retrieval and display as found in Applicant's invention.

Further, Knudson et al only describes the provision of video clips in accordance with conventional techniques that require the video clips to be streamed to a user's set top box directly from a broadcaster for displaying. In Applicant's invention, the video and/or audio data is downloaded and stored in the broadcast data receiver's storage means for subsequent retrieval and display upon the selection of a program from the electronic program guide. A plurality of portions of video and/or audio data are stored in the user's broadcast data receiver. The stored data portions have identification data such that upon user selection of a program using the electronic program guide the broadcast data receiver identifies the identification data for the selected program and searches the hard disk for stored video and/or audio data with matching identification data. If the a match is found, the broadcast data receiver process the data and displays it on the display screen. Clearly these features are not taught or suggested in the cited references and therefore, Applicant sincerely believes that currently amended claim 1, along with dependent claims 2-4, 6-7, 9-11, is novel and respectfully requests reconsideration of the rejection.

Claim 12 has been rejected on the same grounds as claim 1. Claim 12 has been amended to include that the hard disk storage means is provided as a part of the broadcast data receiver in which a sufficient portion of the video and/or audio data for a particular clip or trailer from each program in the following time period in the electronic program guide is downloaded at a designated time when the broadcast data receiver is not in use by a user. The downloaded data is then held in the storage means for subsequent retrieval and display by a user. When a user selects a program from the electronic program guide to which a portion of the stored video and/or audio data relates, the broadcast data receiver refers to portions of the downloaded data held in the storage means to identify identification means for the selected program and then searches for the appropriate identification means for a portion of data in the storage means which matches the selected program and when found, a portion of the data is processed to cause a clip or trailer for that particular program to be generated on the display screen for viewing by a user. Clearly, these features are not taught or suggested in the cited references.

Currently amended claim 12 is novel over the cited reference in that sufficient portions of the video and/or audio data for a particular clips or trailers from each program in the electronic program guide is downloaded at a designated time when the broadcast receiver is not in use by a user and is then held in storage means located in the broadcast data receiver for subsequent retrieval and display upon a user selecting a program from the electronic program guide.

Clearly, the Knudson et al patent does not provide for the downloading and storage of the data needed for generating clips or trailers for each and every program available on the electronic program guide for subsequent retrieval by a user. Therefore, Applicant believes that currently amended claim 12 is novel over the cited references. Also claim 12 has been amended to include

that the broadcast data receivers identifies identification means in the user selected program with the downloaded and stored data for a match and if a match exists, then the broadcast data receiver processes the data and generates the clip and/or trailer on the display screen.

Claim 6, 7, and 9 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,526,577 to Knudson et al in view of United States Patent No. 6,816,904 to Ludwig et al. Claims 6, 7 and 9 depend upon currently amended claim 1 and are believed novel over the cited references as stated herein.

Applicant's invention avoids the need to receive data from the broadcaster every time a video clip is to be viewed. This is achieved by downloading the video clips relating to an electronic program guide in advance such that they can be displayed to a user without delay upon selection of the corresponding entry in an electronic program guide. The required clips can be downloaded at a designated time interval, for example, when the broadcast data receiver is likely to be idle. Therefore, the electronic program guide can be updated as necessary by the broadcaster without the need to re-download all of the associated video clips. Whilst such features do not limit the scope of the claims within the present application, the absence of similar considerations within the Knudson document makes it clear that Knudson system does not operate in the same manner as the present invention.

In addition, the mode of operation of Applicant's invention is particularly advantageous since it allows the data for the clips and/or trailers to be provided separately from the electronic program guide data. The clips and/or data can therefore be downloaded once in bulk and stored such that the electronic program guide merely accesses the stored data as and when necessary using identification data to identify the clips selected by a user. Therefore, the electronic program guide data, which may

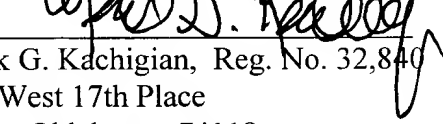
be subject to change, can be downloaded and updated separately from the clip data. This avoids the need to download all of the data every time a change is made to the program schedule. None of the associated problems or advantages are disclosed within the cited prior art documents and therefore Applicant believes that this is a clear indication that the present invention had not been contemplated at the time.

Applicant is grateful for the thorough examination of the application by Examiner Shepard and believes the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

Dated: 9 November 2006

BY: 
Mark G. Kachigian, Reg. No. 32,840
228 West 17th Place
Tulsa, Oklahoma 74119
(918) 584-4187
Attorneys for Applicant